

CALIFORNIA REGIONAL WATER QUALITY CONTROL BOARD  
SAN DIEGO REGION

TENTATIVE ORDER NO. R9-2002-0383  
ADMINISTRATIVE ASSESSMENT OF CIVIL LIABILITY  
AGAINST  
FALLBROOK PUBLIC UTILITY DISTRICT  
VIOLATION  
OF  
ORDER NO. R9-2000-0012, NPDES PERMIT NO. CA0108031  
WASTE DISCHARGE REQUIREMENTS FOR FALLBROOK PUBLIC UTILITY DISTRICT  
WASTEWATER TREATMENT PLANT NO. 1  
DISCHARGES TO THE PACIFIC OCEAN VIA THE OCEANSIDE OCEAN OUTFALL  
SAN DIEGO COUNTY

The San Diego Regional Water Quality Control Board (hereafter Regional Board), having held a public hearing on December 11, 2002, to hear evidence and comments on the allegations contained in Complaint No. R9-2002-0308, dated October 24, 2002, and on the recommendation for administrative assessment of Civil Liability pursuant to California Water Code section 13385 in the amount of \$87,000 finds as follows:

1. Fallbrook Public Utility District (hereinafter Fallbrook PUD) owns and operates the Wastewater Treatment Plant No. 1 (hereinafter Treatment Plant No. 1) located at 1425 South Alturas Street, Fallbrook, California. Pursuant to Order No. R9-2000-0012 the Facility discharges an average dry weather flowrate of 2.7 million gallons per day (MGD) of tertiary treated wastewater to the Pacific Ocean through the Oceanside Ocean Outfall. The Regional Board adopted Order No. R9-2000-0012 on February 9, 2000.
2. The April, May and September 2001, and June 2002 Fallbrook PUD Self-Monitoring Reports (SMRs) indicate thirty-one sampling results in violation of Order No. R9-2000-0012's Prohibitions and Discharge Specifications. These violations are summarized in attached Table 1, *Violation Summary for Fallbrook PUD, Plant No. 1 (April 2001 through June 2002)*.
3. Consideration of the factors prescribed in California Water Code Section 13385(e) based upon information available to the Regional Board prior to the hearing supports assessment of civil liability pursuant to Water Code section 13385(i) in the amount of \$87,000 as detailed in Table 1.
4. The Regional Board incurred costs totaling \$6,800, which includes investigation, preparation of enforcement documents, and communication with the Discharger.
5. Issuance of this Order is exempt from the provisions of the California Environmental Quality Act (Public Resources Code section 21000 et seq.) in accordance with Section 15321, Chapter 3, Title 14, California Code of Regulations.

**IT IS HEREBY ORDERED** that pursuant to section 13385 of the California Water Code, civil liability is imposed on Fallbrook Public Utility District in the amount of eighty-seven thousand dollars (\$87,000).

I, John H. Robertus, Executive Officer, do hereby certify the foregoing is a full, true, and correct copy of an Order imposing civil liability assessed by the California Regional Water Quality Control Board, San Diego Region, on December 11, 2002.

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JOHN H. ROBERTUS  
Executive Officer

**Table 1.**  
**Violation Summary for Fallbrook PUD, Plant No. 1 (April 2001 through June 2002)**

	<b>Date</b>	<b>Violation</b>	<b>Viol. ID No.</b>	<b>Permit Limit</b>	<b>Report Value</b>	<b>Ratio Report to Permit</b>	<b>Pollutant Category</b>	<b>Chronic or Serious</b>	<b>Penalty</b>
1	04/16/2001	CBOD any time max	114787	45 mg/l	220 mg/l	4.9	CAT1	Serious	\$3,000
2	04/16/2001	CBOD any time max	114788	730 lbs/day	2766.3 lbs/day	3.8	CAT1	Serious	\$3,000
3	04/16/2001	TSS any time max	114789	50 mg/l	430 mg/l	8.6	CAT1	Serious	\$3,000
4	04/16/2001	TSS any time max	114790	810 lbs/day	5406.9 lbs/day	6.7	CAT1	Serious	\$3,000
5	04/16/2001	TSS 7-day average	114812	45 mg/l	72.8 mg/l	1.6	CAT1	Serious	\$3,000
6	04/16/2001	CBOD 7-day avg.	114792	40 mg/l	44.6 mg/l	1.1	CAT1	Chronic	\$3,000
7	04/16/2001	TSS 7-day average	114799	730 lbs/day	918.7 lbs/day	1.3	CAT1	Chronic	\$3,000
8	04/17/2001	TSS 7-day average	114813	45 mg/l	78.9 mg/l	1.8	CAT1	Serious	\$3,000
9	04/17/2001	CBOD 7-day avg.	114793	40 mg/l	45.1 mg/l	1.1	CAT1	Chronic	\$3,000
10	04/17/2001	TSS 7-day average	114800	730 lbs/day	989.0 lbs/day	1.3	CAT1	Chronic	\$3,000
11	04/18/2001	TSS 7-day average	114814	45 mg/l	82 mg/l	1.8	CAT1	Serious	\$3,000
12	04/18/2001	TSS 7-day average	114801	730 lbs/day	1024.7 lbs/day	1.4	CAT1	Serious	\$3,000
13	04/18/2001	CBOD 7-day avg.	114794	40 mg/l	45.9 mg/l	1.1	CAT1	Chronic	\$3,000
14	04/19/2001	TSS 7-day average	114815	45 mg/l	81 mg/l	1.8	CAT1	Serious	\$3,000
15	04/19/2001	CBOD 7-day avg.	114795	40 mg/l	44.3 mg/l	1.1	CAT1	Chronic	\$3,000
16	04/19/2001	TSS 7-day average	114802	730 lbs/day	1007.0 lbs/day	1.3	CAT1	Chronic	\$3,000
17	04/20/2001	TSS 7-day average	114816	45 mg/l	79 mg/l	1.8	CAT1	Serious	\$3,000
18	04/20/2001	CBOD 7-day avg.	114796	40 mg/l	42.9 mg/l	1.1	CAT1	Chronic	\$3,000
19	04/20/2001	TSS 7-day average	114803	730 lbs/day	990 lbs/day	1.3	CAT1	Chronic	\$3,000
20	04/21/2001	TSS 7-day average	114817	45 mg/l	90 mg/l	2.0	CAT1	Serious	\$3,000

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21	04/21/2001	TSS 7-day average	114805	730 lbs/day	1113.4 lbs/day	1.5	CAT1	Serious	\$3,000
22	04/21/2001	CBOD 7-day avg.	114797	40 mg/l	45.4 mg/l	1.1	CAT1	Chronic	\$3,000
23	04/22/2001	TSS 7-day average	114818	45 mg/l	88 mg/l	2.0	CAT1	Serious	\$3,000
24	04/22/2001	TSS 7-day average	114807	730 lbs/day	1098.4 lbs/day	1.5	CAT1	Serious	\$3,000
25	04/22/2001	CBOD 7-day avg.	114798	40 mg/l	43.5 mg/l	1.1	CAT1	Chronic	\$3,000
26	05/13/2001	TSS any time max	114819	50 mg/l	66 mg/l	1.3	CAT1	Chronic	\$3,000
27	09/24/2001	TSS any time max	114754	50 mg/l	73 mg/l	1.5	CAT1	Serious	\$3,000
28	09/24/2001	TSS any time max	114755	810 lbs/day	947 lbs/day	1.2	CAT1	Chronic	\$3,000
29	06/03/2002	TSS any time max	118668	50 mg/l	60.4 mg/l	1.2	CAT1	Chronic	\$0
30	06/04/2002	CBOD any time max	118669	45 mg/l	51.7 mg/l	1.1	CAT1	Chronic	\$0
31	06/04/2002	TSS any time max	118667	50 mg/l	79.0 mg/l	1.6	CAT1	Serious	\$3,000

**Total \$87,000**